

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANEE M. GENOW,

Plaintiff,

v.

Civil Case No. 16-12173
Honorable Linda V. Parker

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S JULY
31, 2017 R&R; (2) GRANTING IN PART AND DENYING IN PART
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT; (3) DENYING
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT; AND (4)
REMANDING MATTER TO THE COMMISSIONER OF SOCIAL
SECURITY**

Plaintiff applied for Disability and Disability Insurance Benefits under the Social Security Act on May 28, 2013, alleging that she became disabled on the same date. The Social Security Administration denied Plaintiff’s application for benefits initially. Upon Plaintiff’s request, Administrative Law Judge Lisa Leslie (“ALJ”) conducted a de novo hearing on January 5, 2015. The ALJ found Plaintiff not disabled in a decision issued February 13, 2015. The ALJ’s decision became the final decision of the Social Security Commissioner (“Commissioner”) when the Social Security Appeals Council denied review.

On June 14, 2016, Plaintiff initiated the pending action challenging the Commissioner's decision. The matter was referred to Magistrate Judge Elizabeth A. Stafford on the same date "for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1)(A) and issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C)." (ECF No. 3.) The parties subsequently filed cross motions for summary judgment. (ECF Nos. 13, 15.)

On July 31, 2017, Magistrate Judge Stafford issued a Report and Recommendation (R&R) in which she recommends that this Court grant in part and deny in part Plaintiff's motion for summary judgment, deny the Commissioner's motion, and remand the matter to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g). (ECF No. 17.) Magistrate Judge Stafford concludes that a remand is necessary because the ALJ's decision does not reflect consideration of the opinion of Debbie O'Neal, Plaintiff's trainee support leader and floor supervisor for about two years prior to the hearing before the ALJ. (*Id.* at Pg Id 747-754.) Magistrate Judge Stafford rejects Plaintiff's argument that she is entitled to an immediate award of benefits, however. (*Id.* at Pg ID 754-55.)

At the conclusion of the R&R, Magistrate Judge Stafford advises the parties that they may object to and seek review of the R&R within fourteen days of service

upon them. (*Id.* at Pg ID 756-57.) Neither Plaintiff nor Defendant filed objections to the R&R.

The Court carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Stafford. The Court therefore adopts Magistrate Judge Stafford's R&R.

Accordingly,

IT IS ORDERED that Plaintiff's motion for summary judgment (ECF No. 13) is **GRANTED IN PART AND DENIED IN PART**;

IT IS FURTHER ORDERED, that the Commissioner's motion for summary judgment (ECF No. 15) is **DENIED**;

IT IS FURTHER ORDERED, that the Commissioner's decision denying Plaintiff's social security benefits is **REVERSED** and this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Opinion and Magistrate Judge Stafford's July 31, 2017 R&R.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 31, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 31, 2017, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager